

#### 4.5 CONSENT DECREE

Ecology is proposing to enter into a Consent Decree with Lincoln County to carry out cleanup activities listed under Section 4.3 above. The Consent Decree is a legal document which formalizes the agreement between Ecology and Lincoln County to do this cleanup work and is entered and approved by a court. The proposed Consent Decree is being issued under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW and ensures the cleanup will proceed in accordance with all applicable laws and regulation.

### 5.0 PUBLIC PARTICIPATION ACTIVITIES AND TIMELINE

The following are public participation efforts that will continue until the cleanup actions are completed:

#### 5.1 MAILING LIST

A **mailing list** was developed of all individuals who reside within the potentially affected area of the Site. The potentially affected vicinity covers the properties that adjoin the site as bordered by Front Street on the south, Brace Street on the east, Goose Creek and Railroad Avenue on the north and the Town Park on the west.

Homes and/or businesses within a few blocks radius of the Site were added to the mailing list. These persons will receive copies of all fact sheets developed regarding the investigation and cleanup process for the Site via first class mail. Additionally, individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list. Other interested persons may request to be on the mailing list at any time by contacting Sandy Treccani or Carol Bergin at the Department of Ecology (see page 2) for addresses/phone and e-mail).

#### 5.2 CLEANUP ACTION ALTERNATIVES

Cleanup alternatives to meet these remedial action objectives are evaluated as part of the RI/FS for the Site. The feasibility study evaluated six options for soil and groundwater (institutional controls, containment, ex-situ or in-situ treatment, and excavation with on-site or off-site disposal). These options were combined to form five alternatives for addressing all contaminated media at the Site. The following five alternatives are based on the proposals made by the City.

#### 5.3 INFORMATION REPOSITORIES

**Public Repositories** have been established and documents may be reviewed at the following offices:

Wilbur Town Hall  
14 NW Division  
P.O. Box 214  
Wilbur, WA 99185

Department of Ecology  
Eastern Regional Office  
4601 N. Monroe, Suite 202  
Spokane, WA 99205-1295

Lincoln County Public Works Director and Engineer – Bob Breshears  
27234 SR 25 N  
Davenport, WA 99122-0368  
(509) 725-7041

#### 5.4 FACT SHEET

During each stage of cleanup **fact sheets** are created by Ecology and distributed to individuals on the mailing list. These fact sheets explain the stage of cleanup, the Site background, what happens next in the cleanup process and ask for comments from the public. A **thirty (30) day comment period** allows interested parties time to comment on the process. The information from these fact sheets is also published in a **Site Register** which is distributed to the public. Persons interested in receiving the Site Register should contact Linda Thompson of Ecology at 360-407-6069 or e-mail [Ltho461@ecy.wa.gov](mailto:Ltho461@ecy.wa.gov).

#### 5.5 NOTICES

**Display ads or legal notices** are published in *The Wilbur Register* and *The Davenport Times* to inform the general public. These notices correlate with the thirty day comment period and associated stage of cleanup. They are also used to announce public meetings and workshops or public hearings.

#### 5.6 PUBLIC MEETINGS

**Public meetings, workshops, open houses and public hearings** are held based upon the level of community interest. If ten or more persons request a public meeting or hearing based on the subject of the public notice, Ecology will hold a meeting/hearing and gather comments. These meetings would be held at the Wilbur Town Hall in Wilbur, Washington.

#### 5.7 RESPONSIVENESS SUMMARY

Written comments received during the thirty day comment period will be responded to in a **Responsiveness Summary**. The Responsiveness Summary will be sent to those who make the written comments and will be available for public review at the Repositories.

#### 5.8 ANSWERING QUESTIONS FROM THE PUBLIC

Individuals in the community may have questions they want to ask so they may better understand the cleanup process. Page 2 lists the contacts for the South Wilbur Petroleum Contamination Site.

Interested persons are encouraged to contact these persons by phone or e-mail to obtain information about the Site, the process and potential decisions.

#### 5.9 OBTAINING COMMUNITY INPUT ON SITE DECISIONS

The public is invited to comment on the amended public participation plan and the Consent Decree, with its associated documents, during a thirty day comment period. If ten or more people request a public meeting or hearing to discuss these documents, the request will be granted. Input will also be sought on future site-related activities as applicable.

#### 5.10 TIME LINE

The following table shows project milestones that are associated with Lincoln County's Remedial Investigation/Feasibility Study and forthcoming remedial measures. The milestones are provided with estimated dates and the type of public review for each milestone is identified.

<b>Date</b>	<b>Action Taken</b>
June 28, 2000 – July 28, 2000	Public Comment Period (30 days) for Draft Agreed Order for Remedial Investigation/ Feasibility Study
October 2000	Initial RI/FS Scoping meeting with Ecology.
November 2000	Conduct Public Interviews
December, 2000	Submittal of Draft RI/FS Work Plan for Ecology review
January –April 2001	Conduct RI data collection and field activities; routine bi-monthly status reports submitted to Ecology
April 2001	Meet with Ecology to discuss preliminary findings from the remedial investigation; Provide a status report to the Town of Wilbur
April – June 2001	Work on development of a Draft RI report
May 22, 2002 – June 20, 2002	Public Comment Period (30 days) for Draft Remedial Investigation /Feasibility Study Reports
March 26, 2003 – April 24, 2003	Public Comment Period (30 days) for Draft Cleanup Action Plan and SEPA DNS
September	Public Comment Period (30 days) for Consent Decree

**APPENDIX A**  
**CURRENT MAILING LIST – SOUTH WILBUR PETROLEUM CONTAMINATION SITE**

**APPENDIX B**  
**QUESTIONS AND RESPONSES: COMMUNITY INTERVIEWS**

*Carla Shirley Interview*

The following are interview questions and responses received from Carla Shirley, Town Clerk of Wilbur.

What do you think about the contaminated Lincoln County Site and what are your concerns?  
“Although the Town of Wilbur would like to be kept informed of the cleanup progress, the “town” is not concerned about this site. There was an implied understanding that Lincoln County would manage the contaminated site in a way that would adequately address any potential concerns of the local people, and provide an adequate appraisal of site cleanup progress”.

Don Reid Interview

The following are interview questions and responses received from Don Reid, Mayor of Wilbur.

1. Do you believe your health or the health of the community is or has been affected by the hazardous substances at the site?  
*No.*
2. Do local homeowners or businesses believe that the site has caused you, or will cause you, economic loss?  
*Don't know.*
3. From your perspective, does the public have confidence in the performance of the agency responsible for the remedial or removal action? What do you, personally, feel?  
*The public and I have total trust in the County.*
4. What current or previous experience does the community have in public involvement? Are there any group leaders who have been vocal in the community?  
*Current or previous experience that the community has with public involvement is providing public notice and conducting public meetings in regards to Town Council actions. Haven't heard a word from any group leaders in the community.*
5. Do you believe that media coverage accurately reflects the nature and intensity of your concerns, the concerns of the community? Have events at the site received adequate media coverage? What media do you get your information from? What about others in the community?  
*It is hard to say whether or not the media coverage accurately reflects the nature and intensity of the community and my concerns. Media coverage has not been adequate. Media information is from the local newspaper, **The Wilbur Register**.*
6. How would you like to be informed about progress at the site?  
*Fact Sheets (information sheets)  
Newspaper articles – "best to keep low key"  
Inform Council of the status of the project  
Have an opportunity to comment on Work Plan and the RI/FS Report.*
7. How would you like to be involved?  
*The Council should be kept informed periodically. A letter to the Council, written as a project status report, would be sufficient communication.  
Receive notices of comment periods  
Attend public meetings/hearings  
Meet with a site manager – not needed, Marlana can talk to me directly*
8. Where would you suggest reports, etc. be available for review? (a library, for instance)  
*Wilbur Town Hall*
9. Where would you suggest Ecology hold public meetings or hearings?  
*Community Center*
10. How would you define the potentially affected vicinity? From your perspective, who in this area should be informed about the site?  
*The potentially affected vicinity would be the nearby property owners and the Town (Park).*
11. Is there anyone else you think we should talk to?  
*No, just property owners and the County.*
12. What do you already know about the site? Do you have any specific concerns?  
*I know that there is a petroleum contamination at the site. Nothing comes to mind.*

Jean Saylor Interview

The following are interview questions and responses received from Jean Saylor, citizen of Wilbur, Washington.

1. Do you believe your health or the health of the community is or has been affected by the hazardous substances at the site?  
*No.*
2. Do local homeowners or businesses believe that the site has caused you, or will cause you, economic loss?  
*No.*
3. From your perspective, does the public have confidence in the performance of the agency responsible for the remedial or removal action? What do you, personally, feel?  
*Yes, I do have confidence in Lincoln County. I don't think they will let it get too far out of hand.*
4. What current or previous experience does the community have in public involvement? Are there any group leaders who have been vocal in the community?  
*Not much. No.*
5. Do you believe that media coverage accurately reflects the nature and intensity of your concerns, the concerns of the community? Have events at the site received adequate media coverage? What media do you get your information from? What about others in the community?  
*Media: they make it look like they want it to.*  
*Adequate media coverage? No.*  
*Media information is from the Wilbur Register and The Spokesman Review.*  
*Others in the community get their information from the same media sources.*
6. How would you like to be informed about progress at the site?  
*Wilbur Register*
7. How would you like to be involved?  
*Paper would be adequate*
8. Where would you suggest reports, etc. be available for review? (a library, for instance)  
*Town Hall*
9. Where would you suggest Ecology hold public meetings or hearings?  
*Town Council Meetings*
10. How would you define the potentially affected vicinity? From your perspective, who in this area should be informed about the site?  
*Neighboring properties, park*
11. Is there anyone else you think we should talk to?  
*No*
12. What do you already know about the site? Do you have any specific concerns?  
*Site looks the same. The government (Ecology) will make certain everything is taken care of.*

Lori Mann Interview

The following are interview questions and responses received from Lori Mann, citizen of Wilbur.

1. Do you believe your health or the health of the community is or has been affected by the hazardous substances at the site?  
*No.*
2. Do local homeowners or businesses believe that the site has caused you, or will cause you, economic loss?  
*No.*
3. From your perspective, does the public have confidence in the performance of the agency responsible for the remedial or removal action? What do you, personally, feel?  
*Yes, I have confidence.*
4. What current or previous experience does the community have in public involvement? Are there any group leaders who have been vocal in the community?  
*No. Everyone basically observes what's going on.*
5. Do you believe that media coverage accurately reflects the nature and intensity of your concerns, the concerns of the community? Have events at the site received adequate media coverage? What media do you get your information from? What about others in the community?  
*Media: yes, I do.*  
*Adequate media coverage? No.*  
*Media information is from the Wilbur Register and The Spokesman Review.*  
*Others in the community receive their information from the same media sources.*
6. How would you like to be informed about progress at the site?  
*Wilbur Register*
7. How would you like to be involved?  
*Paper would be adequate*
8. Where would you suggest reports, etc. be available for review? (a library, for instance)  
*Town Hall*
9. Where would you suggest Ecology hold public meetings or hearings?  
*Town Council Meetings*
10. How would you define the potentially affected vicinity? From your perspective, who in this area should be informed about the site?  
*Neighboring parties*
11. Is there anyone else you think we should talk to?  
*No*
12. What do you already know about the site? Do you have any specific concerns?  
*No concerns they (Lincoln County) will take care of it just fine.*



## APPENDIX C

### GLOSSARY

**Agreed Order:** A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

**Applicable State and Federal Law:** All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

**Area Background:** The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

**Carcinogen:** Any substance or agent that produces or tends to produce cancer in humans.

**Chronic Toxicity:** The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

**Cleanup:** The implementation of a cleanup action or interim action.

**Cleanup Action:** Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

**Cleanup Level:** The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

**Cleanup Process:** The process for identifying, investigating, and cleaning up hazardous waste sites.

**Consent Decree:** A legal document, approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**Containment:** A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Enforcement Order:** A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

**Environment:** Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

**Exposure:** Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

**Exposure Pathways:** The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

**Facility:** Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, placed, or otherwise come to be located.

**Feasibility Study (FS):** A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

**Free Product:** A hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water).

**Groundwater:** Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

**Hazardous Sites List:** A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action.

**Hazardous Substance:** Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

**Hazardous Waste Site:** Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

**Independent Cleanup Action:** Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

**Initial Investigation:** An investigation to determine that a release or threatened release may have occurred that warrants further action.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site.

**Mixed Funding:** Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

**Model Toxics Control Act (MTCA):** Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known as Initiative 97. The implementing regulation is WAC 173-340.

**Monitoring Wells:** Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

**Natural Background:** The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

**National Priorities List (NPL):** EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

**Owner or Operator:** Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

**Polynuclear Aromatic Hydrocarbon (PAH):** A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and by the combustion of fossil fuels.

**Potentially Liable Person (PLP):** Any person whom Ecology finds, based on credible evidence, to be liable under authority of RCW 70.105D.040.

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Recovery By-Products:** Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

**Release:** Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

**Remedial Action:** Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

**Remedial Investigation:** A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

**Responsiveness Summary:** A compilation of all questions and comments to a document open for public comment and their respective answers/replies by Ecology. The Responsiveness Summary is mailed, at a minimum, to those who provided comments and its availability is published in the Site Register.

**Risk Assessment:** The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

**Sensitive Environment:** An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

**Site:** See Facility.

**Site Characterization Report:** A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

**Site Hazard Assessment (SHA):** An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

**Site Register:** Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

**Surface Water:** Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

**TCP:** Toxics Cleanup Program at Ecology

**Total Petroleum Hydrocarbons (TPH):** A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The “petroleum hydrocarbons” include compounds of carbon and hydrogen that are derived from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

**Toxicity:** The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

**Underground Storage Tank (UST):** An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

**Washington Ranking Method (WARM):** Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.